

Serial No. 09/933,562
Atty. Docket No.: 58013.022800
Reply to Final Office Action mailed August 5, 2005

REMARKS

Claims 1-9, 11-41, 43-46, 48-55, 57-59 and 61-76 are pending in the present application. Claims 10, 42, 47, 56, 60, and 62 were previously canceled. Claim 32 is cancelled in the amendments set forth above. Therefore, claims 1-9, 11-31, 33-41, 43-46, 48-55, 57-59, 61 and 63-76 are now pending in the present application.

Allowable Subject Matter and Claim Objections

Applicants thank the Examiner for indicating that claims 1-9, 11-25, 37-41, 43-46, 48-55, 57-59, 61 and 63-76 are allowed. Applicants also thank the Examiner for indicating that Claims 27-29, 32 and 33 are objected to for depending on a rejected base claim, but that such claims would be patentable if rewritten in independent form.

Claim Rejections

Claims 26, 30, 31, and 34-36 now are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hon and further in view of Bent et al. Applicants respectfully traverse these rejections for the following reasons.

Claim 34 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hon. Applicants respectfully traverse the rejection. Applicants respectfully call the Examiner's attention to the fact that Claim 34 depends from Claim 1, which the Examiner indicated is in condition for allowance. The Court of Appeals for the Federal Circuit has held that where a claim is dependent upon a patentable independent claim, the independent claim is *a fortiori* patentable because it contains all the limitations of the independent claim plus further limitations. See, e.g., Hartness Intern. Inc. v. Simplimatic Engineering Co., 819 F.2d 1100, 1108 (Fed. Cir. 1987). Applicants therefore respectfully request that the Examiner withdraw the rejection of Claim 34.

Claims 26, 27, 30-33, 35 and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hon. Applicants respectfully traverse the rejection for at least the reasons set forth in Applicants' previous response. However, in an effort to expedite allowance of the

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instant claims, Applicants have amended Claim 26 to include the limitations recited in Claim 32. The Examiner indicated that Claim 32 would be allowable if rewritten in independent form, and Applicants have so amended Claim 26. Applicants' amendments having rendered the Examiner's remaining rejections moot, Applicants respectfully request that the Examiner withdraw the rejection.

Applicants' amendment of claim 26 should not be considered acquiescence to, or agreement with, the Examiner's characterization of the Hon reference and its relationship to Applicants' claimed invention. Applicants respectfully reserve the right to file additional arguments in this regard in the instant application or continuations or divisionals thereof.

Claims 27-33, 35, and 36 depend from independent claim 26. The Court of Appeals for the Federal Circuit has consistently held that where a claim is dependent upon a valid independent claim, the independent claim is *a fortiori* valid because it contains all the limitations of the independent claim plus further limitations. See, e.g., Hartness Intern. Inc. v. Simplimatic Engineering Co., 819 F.2d 1100, 1108 (Fed. Cir. 1987). Applicants assert that claims 27-33, 35, and 36 are patentable for at least the reasons recited above with respect to independent claim 26, and respectfully request that the Examiner withdraw the rejection of these claims.

CONCLUSION

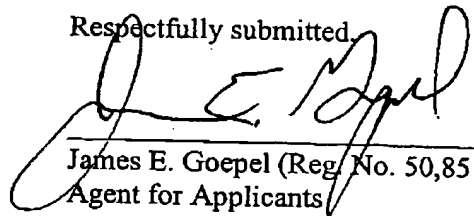
Applicants respectfully submit that all of the stated grounds of rejection have been properly traversed or rendered moot and believe that all pending claims are allowable over the prior art of record. Thus, it is believed that the present invention is in condition for allowance, and Notice to that effect is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of the application, he is courteously requested to contact Applicants' undersigned representative or Charles Berman at (310) 586-7770.

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AUTHORIZATION

The Commissioner is authorized to charge any required fees associated with this paper, or credit any overpayment to **Deposit Account No. 50-0653.**

Respectfully submitted,



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